

Inventor: Richard P. Hodges
Serial No. 10/712,727
Amendment "A"
Attorney Docket #10422

III. REMARKS

A. Prior Office Actions Basis

Claims 1-17 are pending in the present Application. Pending Claims 1, 4, 9-11, 13, 15 and 16 were each rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,471,056 to Tzeng. Further, pending Claims 2, 3, 5-8, 12, 14 and 17 were each rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,471,056 to Tzeng in view of U.S. Patent No. 4,901,852 to King and U.S. Patent No. 6,634,494 to Derr et al.

B. Amendment Overview

By this Amendment, the Specification has been amended on page 9 to further clarify the language of the original specification and on pages 10 and 12 to correct typographical errors. The amended Specification on pages 9, 10 and 12 are presented in a marked-up version herein in accordance with 37 C.F.R. Sec. 1.121 as revised on July 30, 2003. Independent Claims 1, 11, 13 and 15 have each been amended to overcome rejections based upon 35 U.S.C. Sec. 102(b). Dependent Claims 12, 14, 16 and 17 have each been amended to overcome rejections based upon 35 U.S.C. Sec. 103(a). Dependent Claim 10 has been canceled. The claims have been amended in accordance with 37 C.F.R. Sec. 1.121 as revised on July 30, 2003 and the required claim listing is included herewith. Arguments in favor of allowance of Claims 1-9 and 11-17, as amended, are also included. Amendments and additions to the Claims have been drawn from the Specification and Drawings as originally filed. New matter as described in 35 U.S.C. §132 has not been added to the Specification. The proposed changes should not, therefore, be objectionable. Accordingly, entry of these changes is hereby respectfully requested.

C. Amendments to the Specification

Amendments to the Specification as originally filed in marked-up form are included with this Amendment "A".

1. The amendments to the paragraphs on (a) page 8, line 28 - page 9, line 15 (specifically page 9, line 4), and (b) page 14, lines 5-24 (specifically page 14, line

7), and (c) page 17, line 27 - page 18, line 9 (specifically page 17, line 29) of the Specification as originally filed adds the words - - (i.e., integrally molded) - - after the word "molding" to the clarify the description. Each of the sentences now read, "... integrally joined as by molding (i.e., integrally molded)" At page 14, line 19, an amendment to the Specification makes clear that the converging surface is integrally joined with and opposite to the front member 204.

2. The amendment to the paragraph on page 10, lines 19 - 31 of the Specification (specifically page 10, line 24) as originally filed changes the incorrect word "present" to - - presence - - to the clarify the description by deleting the typographical error. The sentence now ends with the words, "... notwithstanding the presence of the orifice 108."

3. The amendment to the paragraph on page 11, line 25 - to - page 12, line 15 (specifically page 12, line 15) of the Specification as originally filed clarifies the last sentence of the paragraph by deleting the word "the" (second occurrence) which was inadvertently included. The sentence now ends by reciting, "by reversing the order of the steps set forth in this paragraph."

4. The Examiner is respectfully requested to make these amendments to the Specification of record.

D. Invention as Presently Claimed is Patentable

Applicant's invention is directed to a cover 100 for a remote control device 102 for creating a convenient, disposable cover for enclosing any of a plurality of electronic remote control devices typically shared among many persons. The cover 100 for a remote control device 102 serves to minimize the transfer of bacteria and viruses from one person who uses the remote control device to another, i.e., the cover 100 provides a sanitation barrier. In particular, the inventive cover 100 for a remote control device 102 is comprised of a flexible-elastic, transparent material fashioned so as to easily conform to the shape of the remote control device 102. Further, the flexible-elastic transparent material facilitates the capture of the remote control device 102 within the fabric of the cover 100. Likewise, the cover 100 can be easily removed from the remote control device 102. In general, the cover 100 for remote control device 102 comprises a sheath-like or pouch-like enclosure that includes a front member 104 integrally formed with

a rear member 106 at a plurality of rounded surfaces 108. An orifice 110 or opening is formed in the rear member 106 of the cover 100 for facilitating the insertion and removal of a remote control device 102. The front member 104 typically exhibits a continuously flat surface. However, the shape of the rear member 106 can vary depending upon the shape of the remote control device 102 and thus, the inventive cover 100 is necessarily available in several different shapes. The plurality of rounded surfaces 108 that integrally join the front member 104 with the rear member 106 enable the flexible-elastic material from which the cover 100 is fashioned to partially relax once the cover 100 is fitted onto the remote control device 102. This relaxation of the flexible-elastic material enables the orifice 110 to close upon itself ensuring that the cover 100 substantially encloses the remote control device 102. The cover 100 exhibits an integral, unitary, one-piece construction and can be comprised of, for example, a polyurethane compound but many other suitable materials are also available. The selected material is flexible, elastic, i.e., stretchable, and thus quickly adopts or conforms to the shape of the remote control device 102. Thus, once fitted, the cover 100 snugly fits over an outer housing 114 of the remote control device 102. A typical remote control device 102, whether used for a television, stereo system, hospital bed control or other manual electronic control device, includes a control keypad 116. Manipulation of the keys mounted on the keypad 116 facilitates the control of the specific electronic device. The selected material from which the cover 100 is fashioned is also transparent. Thus, once fitted onto the remote control device 102, the transparent nature of the inventive cover 100 facilitates unimpeded operation of the keys mounted on the keypad 116. The inventive cover 100 for the remote control device 102 serves several functions. Since the remote control device 102 is typically shared between, i.e., handled, by several persons, the cover 100 functions to prevent the transfer of bacteria and viruses between individuals. Thus, in a quasi-public setting as in a hotel or motel environment, the cover 100 would normally be changed daily along with the bed sheets. In a domestic setting, the cover 100 could be cleaned regularly with a suitable disinfecting cleaner product. The cover 100 also serves to protect the electronic circuitry of the remote control device from dirt, soil, spills and grime. Thus, the inventive cover 100 establishes a sanitation barrier to protect both the plurality of users of the remote control device 102 and the electronic circuitry housed within the remote control device 102.

In a first alternative embodiment, a cover 200 for the remote control device 102

comprises a front member 204 which exhibits a generally continuous flat surface and a rear member 206 having a converging surface. The converging surface comprises a first slanted surface 230 and a second slanted surface 232. The rear member 206 is integrally joined with the front member 204 at a plurality of rounded surfaces 208 for forming an enclosure. An orifice 210 is formed in the converging surface of the rear member 206 for enabling a remote control device 102 to be inserted into and removed from the enclosure. The rounded surfaces 108 designed into the cover 200 facilitate the closing of the orifice 210 for enclosing the remote control device 102. In a second alternative embodiment, a cover 300 for the remote control device 102 also comprises a front member 304 having a generally continuous flat surface and a rear member 306 having a rectangular surface. The rear member 306 is also integrally joined with the front member 304 at a plurality of rounded surfaces 308 for forming an enclosure. An orifice 310 is formed in the rectangular surface of the rear member 306 for enabling a remote control device 102 to be inserted into and removed from the enclosure. The rounded surfaces 308 facilitate the closing of the orifice 310 for enclosing the remote control device 102.

This advantageous design is defined in the present Specification and set forth in claims of varying scope, for example amended Claim 1 recites:

1. A cover for use with a remote control device comprising:
 - a front member having a continuously flat surface;
 - a rear member integrally molded in a unitary, one-piece construction with said front member at a plurality of rounded surfaces to form an enclosure;
 - an orifice formed in and parallel to an oblong dimension of said rear member for enabling a remote control device to be inserted into and removed from said enclosure, said rounded surfaces enabling said orifice to close for enclosing said remote control device; and
 - wherein said front member, said rear member and said rounded surfaces being comprised of a flexible, stretchable and transparent material for conforming to the shape of said remote control device and for providing a sanitation barrier. (Emphasis added.)

E. Argument

1. Tzeng - 35 U.S.C. Sec. 102(b)

a. Claims 1, 4, 9-11,13, 15 and 16 were rejected under 35 U.S.C. Sec. 102(b) by the Examiner as being anticipated by Tzeng (U.S. Patent No. 6,471,056).

b. The Examiner argued that Tzeng '056 discloses a cover 3 for use with a remote control device comprising a front member having a continuously flat surface, a rear member integrally formed with the front member at a plurality of rounded surfaces (four corners) to form an enclosure (see below), and an orifice 311 formed in the rear member for enabling a remote control device to be inserted into and removed from the enclosure. The Examiner further argued that the front member, the rear member and the rounded surfaces comprise a flexible, stretchable and transparent material such as PVC for conforming to the shape of the remote control device and for providing a sanitation barrier. Finally, the Examiner argued that as to Applicant's independent Claim 13, the rear member of Tzeng '056 comprises a converging surface including a first slanted surface (on one side along the center of the rear member) and a second slanted surface (opposite side of the first slanted surface).

c. The Examiner then concluded that Tzeng '056 anticipates the combination of structure recited in Applicants' pending Claims 1, 4, 9-11, 13, 15 and 16.

d. Tzeng '056 purports to disclose a portable electronic device protective cover which includes a loop-like plastic peripheral strip fitting the periphery of the electronic device to be protected, the loop-like peripheral strip having an insertion slot through which the electronic device to be protected is inserted into the inside of the portable electronic device protective cover, a transparent plastic top panel peripherally sealed to the top side of the loop-like peripheral strip by a high frequency heat sealing apparatus, and a transparent plastic bottom panel peripherally sealed to the bottom side of the loop-like peripheral strip by a high frequency heat sealing apparatus.

e. Tzeng '056 fails to teach, disclose or suggest

A cover for use with a remote control device comprising ... (1) a rear member having a curved surface along an oblong dimension of said rear member, (2) a rear member ... integrally molded in a unitary, one-piece construction with said front member at a plurality of rounded surfaces to form an enclosure, (3) an orifice formed in and parallel to an oblong dimension of said rear member, (4) a rear member having a converging surface formed opposite an oblong dimension of said front member, said converging surface including a first slanted surface and a second slanted surface, and (5) a rear member having a flat rectangular surface including a long dimension and a short dimension ... and an orifice formed in the flat rectangular surface of the rear member.

f. Applicant's amended independent Claims 1, 11, 13 and 15 include (1) a rear member 106 having a curved surface along an oblong dimension of the rear member 106 (see amended Claim 11), (2) a rear member 106 integrally molded in a unitary, one-piece construction with the front member 104 at a plurality of rounded surfaces 108 to form an enclosure (see amended Claims 1, 11, 13, 15), (3) an orifice 110 formed in and parallel to an oblong dimension of the rear member 106 (see amended Claim 1), (4) a rear member 206 having a converging surface formed opposite an oblong dimension of the front member 204 where the converging surface includes a first slanted surface 230 and a second slanted surface 232 (see amended Claim 13), and (5) a rear member 306 having a flat rectangular surface including a long dimension 334 and a short dimension 336 and an orifice 310 formed in the flat rectangular surface of the rear member 306 (see amended Claim 15). Each of these features 1-5 is respectively recited in Applicant's Specification as originally filed on: (1) page 9, lines 10-12 and Fig. 2; (2) page 9, line 4, page 16, lines 10-14, page 17, line 29 and Figs. 1, 10 and 15; (3) page 9, lines 23-25 and Fig. 2; (4) page 14, lines 15-24 and Fig. 10; and (5) page 18, lines 5-21 and Fig. 18.

g. Tzeng '056 totally fails to teach, disclose or suggest these features which are recited in Applicants' amended independent Claims 1, 11, 13 and 15. The Examiner's arguments set forth in the Office Communication mailed December 01, 2004 will now be addressed and the components cited by the Examiner properly identified.

(1) The component identified by the Examiner as a "front member having a continuously flat surface" is actually one end of a loop-like peripheral strip 31 as recited in column 2, lines 20-26 and Fig. 1 of Tzeng '056, not a "front member" as recited in Applicant's amended independent Claims 1, 11, 13 and 15.

(2) The component identified by the Examiner as a "rear member integrally formed with the front member" is actually an opposite end of a loop-like peripheral strip 31 as recited in column 2, lines 25-26 and Fig. 1 of Tzeng '056, not a "rear member" as recited in Applicant's amended independent Claims 1, 11, 13 and 15.

(3) The components referred to as "rounded surfaces" are actually the four corners of the loop-like peripheral strip 31 as recited in column 2, lines 25-26 and Fig. 1 of Tzeng '056, not the rounded surfaces that accommodate the integral molding of the front member with the rear member as recited in Applicant's independent Claims 1, 11, 13 and 15.

(4) The combination of the two ends of the peripheral strip that form the loop-like peripheral strip 31 having the four corners of Tzeng '056 do not form an enclosure as argued by the Examiner. As can be seen in Fig. 1 and at column 2, lines 25-26 of Tzeng '056, the two ends of the peripheral strip 31 are sealed together, forming a loop, not an enclosure as recited in Applicant's amended Claims 1, 11, 13 and 15.

(5) The component identified by the Examiner as "an orifice 311 formed in the rear member for enabling a remote control device to be inserted into and removed from the enclosure" is actually an insertion slot formed in one end of the loop-like peripheral strip 31 as recited at column 2, lines 25-27 and Figs. 1 and 3 of Tzeng '056. The insertion slot 311 of Tzeng '056 is not "an orifice formed in and parallel to an oblong dimension of the rear member" of Applicant's inventive cover as recited in Applicant's amended Claim 1.

(6) The argument advanced by the Examiner that "The front member, the rear member and the rounded surfaces are comprised of a flexible, stretchable and transparent material such as PVC for conforming to the shape of the remote control device and for providing a sanitation barrier" is countered by Tzeng '056. At column 2, lines 25-26, Tzeng '056 states that the two ends of the peripheral strip 31 are sealed together forming the loop-like peripheral strip 31. However, the loop-like peripheral

strip 31 is a loop, not an enclosure, and thus cannot contain and conform to the shape of a remote control device or form a sanitation barrier as is recited in Applicant's amended independent Claims 1, 11, 13 and 15.

h. Tzeng '056 also totally fails to teach, disclose or suggest Applicant's inventive combination of structure which is recited in Applicant's amended independent Claims 13 and 15.

(1) Applicant's amended independent Claim 13 recites a rear member 206 having a converging surface formed opposite an oblong dimension of the front member 204 where the converging surface includes a first slanted surface 230 and a second slanted surface 232. Tzeng '056 fails to disclose such a construction.

(2) The Examiner argued that the rear member (i.e., end of the loop-like peripheral strip 31 of Tzeng '056) comprises a converging surface including a first slanted surface (on one side along the center of the rear member) and a second slanted surface (opposite side of the first slanted surface). This location specified by the Examiner is clearly the insertion slot 311 shown in Fig. 1 of Tzeng '056. At column 2 beginning with line 45, Tzeng describes that the insertion slot 311 is the means by which the remote controller 2 (Tzeng Fig. 3) is inserted into the inside of the protective cover 3. Tzeng '056 makes no mention of a converging surface or of first and second slanted surfaces. Tzeng '056 fails to teach such a structure.

(3) Applicant's amended independent Claim 15 recites a rear member 306 having a flat rectangular surface including a long dimension 334 and a short dimension 336, and an orifice 310 formed in the flat rectangular surface of the rear member 306. Tzeng '056 fails to teach, disclose or suggest any such structural combination.

i. It is further pointed out that in column 2, lines 27-45, Tzeng '056 describes the process of fitting the loop-like peripheral strip 31 into the inner diameter of a mold 4. During this process, a bottom panel 33 is heat sealed to the border of the bottom side of the loop-like peripheral strip 31 by a high-frequency heat sealing machine. Likewise, a top panel 32 is heat sealed to the border of the top side of the loop-like peripheral strip 31 by the high-frequency heat sealing machine. During the sealing process, the protruding portions of the loop-like peripheral strip 31, top panel 32 and bottom panel 33 outside the seal area are simultaneously cut away by the top and bottom

cutting edges of the mold 4. After sealing, the desired protective cover 3 is obtained which fits the shape of the remote controller 2 which is installed through the insertion slot 311 located at one end of the loop-like peripheral strip 31. This description by Tzeng '056 makes clear that (1) a rear member is not integrally molded in a unitary, one-piece construction with a front member at a plurality of rounded surfaces to form an enclosure. Tzeng '056 describes a step-by-step mechanical construction.

j. Based upon the above arguments, Tzeng '056 fails to teach, disclose, suggest or anticipate under 35 U.S.C. Sec. 102(b) the combination of structure recited in Applicants' pending Claims 1, 4, 9-11, 13, 15 and 16 since Tzeng '056 fails to disclose (1) a rear member having a curved surface along an oblong dimension of said rear member, (2) a rear member ... integrally molded in a unitary, one-piece construction with said front member at a plurality of rounded surfaces to form an enclosure, (3) an orifice formed in and parallel to an oblong dimension of said rear member, (4) a rear member having a converging surface formed opposite an oblong dimension of said front member, said converging surface including a first slanted surface and a second slanted surface, and (5) a rear member having a flat rectangular surface including a long dimension and a short dimension ... and an orifice formed in the flat rectangular surface of the rear member.

k. Thus, Tzeng '056 fails to teach, disclose or suggest the limitations of Applicants' claimed cover for remote control device. Therefore, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. Sec. §102(b) as applied to Applicants' pending amended Claims 1, 4, 9-11, 13, 15 and 16.

2. Tzeng '056 in view of King '852 & Derr et al. '494
Under 35 U.S. C. Sec. 103(a)

a. Claims 2, 3, 5-8, 12, 14 and 17 were rejected under 35 U.S.C. Sec. 103(a) by the Examiner as being unpatentable over U.S. Patent No. 6,471,056 to Tzeng in view of U.S. Patent No. 4,901,852 to King and U.S. Patent No. 6,634,494 to Derr et al.

b. The Examiner argued that Tzeng '056 discloses the cover for a remote control device as described above having all the limitations of Applicant's claims except for the cover being formed from a polyurethane compound or latex or rubber or

silicon or styrenic elastomer as is recited in Applicant's Claims 2-3 and 5-8. The Examiner then argued that King '852 teaches a protective cover for a pager formed from a film of transparent stretchable plastic such as silicon plastic. The Examiner then argued that Derr et al. '494 shows a protective cover for holding a device and the cover is formed from a transparent soft PVC or elastomers or polyurethane.

c. The Examiner then concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made in view of King '852 and Derr '494 to modify the cover of Tzeng '056 so that the cover is comprised of polyurethane or latex or rubber or silicon or styrenic elastomer as is recited in Applicant's Claims 2-3 and 5-8 since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

d. Tzeng '056 purports to disclose a portable electronic device protective cover which includes a loop-like plastic peripheral strip fitting the periphery of the electronic device to be protected, the loop-like peripheral strip having an insertion slot through which the electronic device to be protected is inserted into the inside of the portable electronic device protective cover, a transparent plastic top panel peripherally sealed to the top side of the loop-like peripheral strip by a high frequency heat sealing apparatus, and a transparent plastic bottom panel peripherally sealed to the bottom side of the loop-like peripheral strip by a high frequency heat sealing apparatus.

e. King '852 purports to disclose a protective cover for pagers which comprises a film of transparent stretchable plastic (e.g., 595HC silicon plastic) formed to cover the top, four sides, and at least a portion of the bottom of the pager. The cover includes accordion type pleats which are positioned to reside adjacent switches, a belt clip, and the like, to allow operation thereof.

f. Derr et al. '494 purports to disclose a protective device for holding an apparatus having an interaction field formed from a dimensionally stable protective housing having a lower housing part and an upper housing part. The lower housing part and the upper housing part are releasably connected with one another and an inside contour of the protective housing is adapted and constructed to closely receive the apparatus. The protective housing may be watertight and is provided with a flexible operating area to enable an interaction field to be viewed and manipulated. The operating

area may be integral with the rest of the protective housing. Seals are provided between the apparatus and the upper and/or lower housing part and possibly also between the upper and/or lower housing parts themselves. The seals may be formed of a sealing lip or O-ring mating with a circumferential groove. The protective device may also include sealed feedthroughs for connectors, such as cables and external sensors.

g. Tzeng '056 in view of King '852 and Derr et al. '494 fail to teach, disclose or suggest

A cover for use with a remote control device comprising ... (1) a rear member having a curved surface along an oblong dimension of said rear member, (2) a rear member ... integrally molded in a unitary, one-piece construction with said front member at a plurality of rounded surfaces to form an enclosure, (3) an orifice formed in and parallel to an oblong dimension of said rear member, (4) a rear member having a converging surface formed opposite an oblong dimension of said front member, said converging surface including a first slanted surface and a second slanted surface, and (5) a rear member having a flat rectangular surface including a long dimension and a short dimension ... and an orifice formed in the flat rectangular surface of the rear member.

h. Applicant's amended Claims 2, 3, 5-8, 12, 14 and 17 include (1) a rear member 106 having a curved surface along an oblong dimension of the rear member 106 (see Claim 12 dependent upon amended Claim 11), (2) a rear member 106 integrally molded in a unitary, one-piece construction with the front member 104 at a plurality of rounded surfaces 108 to form an enclosure (see Claims 2, 3, 5-8, 12, 14 and 17 each dependent upon one of the amended Claims 1, 11, 13, or 15), (3) an orifice 110 formed in and parallel to an oblong dimension of the rear member 106 (see Claims 2, 3 and 5-8 each dependent upon amended Claim 1), (4) a rear member 206 having a converging surface formed opposite an oblong dimension of the front member 204 where the converging surface includes a first slanted surface 230 and a second slanted surface 232 (see Claim 14 dependent upon amended Claim 13), and (5) a rear member 306 having a flat rectangular surface including a long dimension 334 and a short dimension 336 and an orifice 310 formed in the flat rectangular surface of the rear member 306 (see Claim 17 dependent upon amended Claim 15). Each of these features 1-5 is respectively recited in Applicant's Specification as originally filed on: (1) page 9, lines 10-12 and Fig. 2; (2) page 9, line 4, page 16, lines 10-14, page 17, line 29 and Figs. 1, 10 and 15; (3) page 9, lines

23-25 and Fig. 2; (4) page 14, lines 15-24 and Fig. 10; and (5) page 18, lines 5-21 and Fig. 18.

i. Tzeng '056 in view of King '852 and Derr '494 totally fail to teach, disclose or suggest these features which are recited in Applicant's pending Claims 2, 3, 5-8, 12, 14 and 17 which are dependent upon Applicant's amended independent Claims 1, 11, 13 and 15. The Examiner's arguments set forth in the Office Communication mailed December 01, 2004 will now be addressed and the components cited by the Examiner properly identified.

(1) The component identified by the Examiner as a "front member having a continuously flat surface" is actually one end of a loop-like peripheral strip 31 as recited in column 2, lines 20-26 and Fig. 1 of Tzeng '056, not a "front member" as recited in Applicant's amended independent Claims 1, 11, 13 and 15.

(2) The component identified by the Examiner as a "rear member integrally formed with the front member" is actually an opposite end of a loop-like peripheral strip 31 as recited in column 2, lines 25-26 and Fig. 1 of Tzeng '056, not a "rear member" as recited in Applicant's amended independent Claims 1, 11, 13 and 15.

(3) The components referred to as "rounded surfaces" are actually the four corners of the loop-like peripheral strip 31 as recited in column 2, lines 25-26 and Fig. 1 of Tzeng '056, not the rounded surfaces that accommodate the integral molding of the front member with the rear member as recited in Applicant's independent Claims 1, 11, 13 and 15.

(4) The combination of the two ends of the peripheral strip that form the loop-like peripheral strip 31 having the four corners of Tzeng '056 do not form an enclosure as argued by the Examiner. As can be seen in Fig. 1 and at column 2, lines 25-26 of Tzeng '056, the two ends of the peripheral strip 31 are sealed together, forming a loop, not an enclosure as recited in Applicant's amended Claims 1, 11, 13 and 15.

(5) The component identified by the Examiner as "an orifice 311 formed in the rear member for enabling a remote control device to be inserted into and removed from the enclosure" is actually an insertion slot formed in one end of the loop-like peripheral strip 31 as recited at column 2, lines 25-27 and Figs. 1 and 3 of Tzeng '056. The insertion slot 311 of Tzeng '056 is not "an orifice formed in and parallel to an

oblong dimension of the rear member" of Applicant's inventive cover as recited in Applicant's amended Claim 1.

(6) The argument advanced by the Examiner that "The front member, the rear member and the rounded surfaces are comprised of a flexible, stretchable and transparent material such as PVC (or polyurethane or latex or rubber or silicon or styrenic elastomer as allegedly taught by King '852 and/or Derr '494) for conforming to the shape of the remote control device and for providing a sanitation barrier" is countered by Tzeng '056. At column 2, lines 25-26, Tzeng '056 states that the two ends of the peripheral strip 31 are sealed together forming the loop-like peripheral strip 31. However, the loop-like peripheral strip 31 is a loop, not an enclosure, and thus cannot contain and conform to the shape of a remote control device or form a sanitation barrier as is recited in Applicant's amended independent Claims 1, 11, 13 and 15.

j. Tzeng '056 in view of King '852 and Derr '494 also totally fails to teach, disclose or suggest Applicant's inventive combination of structure which is recited in Applicant's amended independent Claims 13 and 15.

(1) Applicant's amended independent Claim 13 recites a rear member 206 having a converging surface formed opposite an oblong dimension of the front member 204 where the converging surface includes a first slanted surface 230 and a second slanted surface 232. Tzeng '056 in view King '852 and Derr '494 fail to disclose such a construction.

(2) The Examiner argued that the rear member (i.e., end of the loop-like peripheral strip 31 of Tzeng '056) comprises a converging surface including a first slanted surface (on one side along the center of the rear member) and a second slanted surface (opposite side of the first slanted surface). This location specified by the Examiner is clearly the insertion slot 311 shown in Fig. 1 of Tzeng '056. At column 2 beginning with line 45, Tzeng describes that the insertion slot 311 is the means by which the remote controller 2 (Tzeng Fig. 3) is inserted into the inside of the protective cover 3. Tzeng '056 makes no mention of a converging surface or of first and second slanted surfaces. Tzeng '056 in view of King '852 and Derr '494 fail to teach such a structure.

(3) Applicant's amended independent Claim 15 recites a rear member 306 having a flat rectangular surface including a long dimension 334 and a short dimension 336, and an orifice 310 formed in the flat rectangular surface of the rear

member 306. Tzeng '056 in view of King '852 and Derr '494 fail to teach, disclose or suggest any such structural combination.

k. It is further pointed out that in column 2, lines 27-45, Tzeng '056 describes the process of fitting the loop-like peripheral strip 31 into the inner diameter of a mold 4. During this process, a bottom panel 33 is heat sealed to the border of the bottom side of the loop-like peripheral strip 31 by a high-frequency heat sealing machine. Likewise, a top panel 32 is heat sealed to the border of the top side of the loop-like peripheral strip 31 by the high-frequency heat sealing machine. During the sealing process, the protruding portions of the loop-like peripheral strip 31, top panel 32 and bottom panel 33 outside the seal area are simultaneously cut away by the top and bottom cutting edges of the mold 4. After sealing, the desired protective cover 3 is obtained which fits the shape of the remote controller 2 which is installed through the insertion slot 311 located at one end of the loop-like peripheral strip 31. This description by Tzeng '056 in view of King '852 and Derr '494 makes clear that (1) a rear member is not integrally molded in a unitary, one-piece construction with a front member at a plurality of rounded surfaces to form an enclosure. Tzeng '056 in view of King '852 and Derr '494 describes a step-by-step mechanical construction.

l. Based upon the above arguments, Tzeng '056 in view of King '852 and Derr '494 fail to teach, disclose, or suggest the combination of structure recited in Applicant's pending Claims 2, 3, 5-8, 12, 14 and 17 (each of which depend from one of Applicant's amended independent Claims 1, 11, 13 or 15) since Tzeng '056 in view of King '852 and Derr '494 fail to disclose (1) a rear member having a curved surface along an oblong dimension of said rear member, (2) a rear member ... integrally molded in a unitary, one-piece construction with said front member at a plurality of rounded surfaces to form an enclosure, (3) an orifice formed in and parallel to an oblong dimension of said rear member, (4) a rear member having a converging surface formed opposite an oblong dimension of said front member, said converging surface including a first slanted surface and a second slanted surface, and (5) a rear member having a flat rectangular surface including a long dimension and a short dimension ... and an orifice formed in the flat rectangular surface of the rear member.

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m. Based upon the above arguments, it would not have been obvious to one having ordinary skill in the art at the time the invention was made in view of King '852 and Derr '494 to modify the cover of Tzeng '056 so that the cover is comprised of polyurethane or latex or rubber or silicon or styrenic elastomer as is recited in Applicant's Claims 2, 3, 5-8, 12, 14 and 17 because neither King '852 nor Derr et al. '494 teach the structures of Applicant's inventive cover for remote control device that are not disclosed by Tzeng '056.

n. Thus, Tzeng '056 in view of King '852 and Derr '494 fail to teach, disclose or suggest the limitations of Applicant's cover for remote control device. Therefore, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. Sec. §103(a) as applied to Applicant's pending Claims 2, 3, 5-8, 12, 14 and 17.

IV. CONCLUSION:

1. In light of the above analysis, the cited references neither individually under 35 U.S.C. §102 nor in combination under 35 U.S.C. §103(a) teach, disclose or suggest the invention as recited in Applicant's once-amended pending Claims. The once-amended pending Claims are set forth in a marked-up version herein, as required by 37 C.F.R. Sec. 1.121 effective as of July 30, 2003. Thus, pending amended independent Claims 1, 11, 13 and 15 and the claims dependent therefrom, i.e., Claims 2-9, 12, 14, and 16-17 should be allowed and such action is earnestly solicited.

2. The prior art made of record has been thoroughly reviewed and has not been found to anticipate or make obvious the pending amended Claims.

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Amendment "A"
Attorney Docket #10422

3. The Examiner is invited and encouraged to initiate a telephone conference with Applicants' attorney at the telephone number listed below if the Examiner believes that such a conference would expedite allowance of the pending claims. Telephone calls may be directed to John S. Christopher at (310) 649-7811.

Respectfully submitted,
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